

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 15, 2007**

DIVISION ONE

B188185 People (Not for Publication)  
v.  
Mehdi Daghighi Alamouti

The judgment is reversed with respect to the sentence imposed in count 1 and the matter is remanded for resentencing. In all other respects, the judgment is affirmed. The decision as to this court is final forthwith.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B191586	Allahverdi v. Asadourian
B194739	Allahverdi v. Asadourian

Filed order consolidating above captioned appeals.

May 15, 2007 (Continued)

DIVISION TWO

B188044 People (Not for Publication)

v.  
Espinosa

Appeal is dismissed

Boren, P.J.

We concur: Doi Todd, J.  
Chavez, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B194894 Melendez v. S.C.L.A.

B193375 People v. Torres

B191688 People v. Grandberry

B191169 People v. Anderson

Argument waived, cause submitted.

B196280 Rebecca M., et al.

V.

Superior Court, Los Angeles County  
(Department of Children and Family Services , r.p.i.)

Merits:

Argued by David Alaynick for petitioner and by Jacklyn K. Louie, deputy county counsel for . Cause submitted.

DIVISION THREE (continued)

B193110      Claude E. Atkins Enterprises, Inc., et al.  
                 v.  
                 Cal-State Development & Electrical Construction Corp., et al.

Merits:

Argued by Steven R. Lovett for appellants and by Kerri M. Melucci for respondents. Cause submitted.

B197193      In re Henry Richard Gray  
                 on  
                 Habeas Corpus

Merits:

Argued by Richard Pfeiffer for petitioner and by Heather Bushman, deputy attorney general for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B191115 County of Los Angeles v. International Fidelity  
B195303 Children and Family Services v. Teresa H.  
B190531 People v. Strand

Argument waived, cause submitted.

DIVISION THREE (continued)

B191257 Robinson  
v.  
Los Angeles Unified School District

Merits:  
Argued by Frank Sanes, Jr. for appellant and by Ann Wu for respondent.  
Cause submitted.

B190839 Steiner  
v.  
CBS Broadcasting, Inc.

Merits:  
Argued by Thomas A. Brackey for appellant and by Richard Kendall for  
respondent. Cause submitted.

B191874 Stella  
v.  
Western Security Bancorp

Merits:  
Argued by Henry D. Fetter for appellant and by Joseph Ybarra for  
respondent. Cause submitted.

B184987 Shank/Balfour Beatty  
v.  
Metropolitan Water District of California

Merits:  
Argued by Patrick Duffy for appellant and by Dale A. Ortmann for  
respondent. Submission deferred.

Court adjourned.

May 15, 2007 (Continued)

### DIVISION THREE (continued)

B188991      Felix Castillo  
v.  
Hector Pacheco et al

Filed order denying petition for rehearing.

DIVISION FOUR

B189370      Perez      (Not for Publication)  
v.  
Cervantes

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B188303      People                      (Certified for Partial Publication)  
v.  
Sayres

The judgment is affirmed.

Willhite, J.

I concur: Suzukawa, J. (opinion)  
I dissent and concur: Epstein, P.J. (opinion)

May 15, 2007 (Continued)

## DIVISION FOUR (continued)

B190539 People (Not for Publication)  
v.  
Hart

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

B190888 People (Not for Publication)  
v.  
Ochoa

The judgments are affirmed.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B190738 People (Not for Publication)  
v.  
Coldiron

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

May 15, 2007 (Continued)

## DIVISION FOUR(continued)

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

B187546 People  
v.  
Martinez-Lezama

Filed order denying petition for rehearing.

DIVISION FIVE

B189287      Duan'ne Monique Land      (Not for Publication)  
v.  
Los Angeles Unified School District

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

May 15, 2007 (Continued)

## DIVISION FIVE (continued)

B192322      People                                (Not for Publication)  
v.  
David Franco

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The judgment of the trial court is affirmed and the matter is remanded to the trial court with directions to correct the abstract of judgment to reflect in Item number 1 the sentence on Count 2, and to reflect the stay order as it relates to the sentences on Counts 3 through 5.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

DIVISION SIX

B196730      Joe M.      (Not for Publication)  
v.  
Santa Barbara Superior Court  
(Child Protective Services, r.p.i.)

The petition for extraordinary writ is summarily denied. Given the need to proceed promptly with the section 366.26 hearing, set for May 21, 2007, our decision is final as to this court immediately. (Rule 8.264(b)(3)).

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.



May 15, 2007 (Continued)

## DIVISION SIX (continued)

B192431      People                      (Not for Publication)  
v.  
Osborn

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We Concur: Yegan, Actg P.J.  
Perren, J.

B190641 People (Not for Publication)  
v.  
Wright

The trial court is directed to correct the March 23, 2006 minute order to reflect that the true finding on the section 12022.53 enhancement is a legal nullity and stricken as surplusage. The judgment and eight year prison sentence is affirmed in all other respects.

Yegan, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

May 15, 2007 (Continued)

## DIVISION SIX (continued)

B180931 People (Not for Publication)  
v.  
Marchand

Accordingly, we vacate the sentence and remand for resentencing consistent with *Cunningham*. The trial court is directed to prepare an amended abstract of judgment in accordance with this opinion and deliver it to the Department of Corrections. In all other respects the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

B187711 Beach Wire & Cable, Inc. (Not for Publication)  
v.  
Winsayer

The judgment is affirmed. Appellant to bear costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SIX (continued)

B170355      People      (Certified for Publication)

v.

Thoma

The finding that appellant's 1995 prior conviction constitutes a strike is reversed, and the sentence is vacated. The matter is remanded to the trial court for resentencing or (at the prosecutor's election) retrial of the strike allegation. In all other respects, the judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                    Coffee, J.

B190546      People      (Not for Publication)

v.

Moss

The judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                    Coffee, J.

B194834      People      (Not for Publication)

v.

Battle

The judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                    Coffee, J.

May 15, 2007 (Continued)

## DIVISION SIX (continued)

B191817 People (Not for Publication)

V.

Molina

The judgment is affirmed.

Yegan, J.

We concur:    Gilbert, P.J.

Perren, J.

B181078 People (Not for Publication)

**V.**

Olson

The sentence is vacated and the matter is remanded for resentencing. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

## DIVISION SEVEN

B187844      Massie      (Not for Publication)

V.

# Ralphs Grocery Company

B187854      McLeod

V.

# Ralphs Grocery Company

Filed order modifying opinion. (No change in judgment.)

DIVISION SEVEN (continued)

B189019      Aleman et al.,                      (Not for Publication)  
                 v.  
                 La Puente Valley County Water District

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur:   Perluss, P.J.  
                 Johnson, J.

B192384      Harbor Furniture                      (Not for Publication)  
                 v.  
                 Tuttleton et al.,

The order denying appellant's motion for preliminary injunction is affirmed.  
Respondents are awarded costs of appeal.

Woods, J.

We concur:   Perluss, P.J.  
                 Zelon, J.

B184198      Everest Investors 8, LLC et al.,  
                 v.  
                 McNeil Partners, LP, et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No  
change in the judgment)